

IN THE COURT OF CRIMINAL APPEALS

NO. PD-1246-18

FILED
COURT OF CRIMINAL APPEALS
4/3/2019
DEANA WILLIAMSON, CLERK

STATE OF TEXAS, Petitioner-Appellee

V.

LYDIA METCALF, Respondent-Appellant

On Petition for Discretionary Review
From the Sixth Court of Appeals, Texarkana, Cause No. 06-17-00211-CR
Reversing Conviction from the 123rd Judicial District Court
Panola County, Texas
Trial Court Case No. 2015-C-0290

**UNOPPOSED FIRST MOTION FOR EXTENSION OF TIME TO
FILE RESPONDENT-APPELLANT'S BRIEF**

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ATTORNEYS FOR APPELLANT

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To the Honorable Justices of the Texas Court of Criminal Appeals:

Respondent-Appellant, Lydia Metcalf, respectfully request the Court to extend the deadline for filing her Respondent-Appellant's Brief from April 5, 2019 to May 3, 2019 pursuant to the Texas Rules of Appellate Procedure 10.5 (b) and in accordance with the local rules of this Honorable Court. In support thereof, the Respondent-Appellant would show as follows:

1. The Appellant requests an extension of time for the deadline for filing the Appellant's Brief such that the Brief is considered timely filed on May 3, 2019.

2. The undersigned counsel was assigned to a trial on April 1, 2019 that begins a trial today in the 334th Judicial District Court of Harris County, Texas in Cause No. 2009-46147. The trial is expected to last until April 5, 2019 leaving no time to prepare a responsive brief in this Petition for Review.

2. No previous extensions have been granted or requested regarding the filing of Respondent-Appellant's Brief.

3. The undersigned counsel contacted counsel for Petitioner-Appellee on April 2, 2019 and Petitioner-Appellee's counsel is not opposed to this Motion for Extension of Time to file Respondent-Appellant's Brief.

4. The date of the underlying judgment of the Sixth Court of Appeals in Cause No. 06-17-00211-CR is October 16, 2018. A Motion for Rehearing or en banc Reconsideration was not filed in the underlying appeal.

5. Based on the foregoing, Respondent-Appellant respectfully prays that this Court extend the deadline for filing the Respondent-Appellant's Brief from April 5, 2019 to May 3, 2019.

Respectfully submitted,

/s/ William J. Robertson

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above Respondent-Appellant's Unopposed First Motion for Extension of Time to file Appellant's Brief" was served on all counsel of record by email and/or U.S. Mail, Certified, Return Receipt Requested and/or by facsimile and/or the Court's electronic notification service on this 2nd day of April 2019.

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/s/ William J. Robertson

William J. Robertson